



**CITY OF KINGSTON PLANNING BOARD
MEETING MINUTES
January 11, 2015
Common Council Chambers – 6:00 PM**

NOTES: (1) These meeting minutes are a summarization of notes and not an absolute transcript of dialogue. (2) All public hearings were conducted prior to the Planning Board discussions with the applicant(s) and any comment received is included within the written section of the minutes. (3) In the absence of full Planning Board Members, or in the case of a necessary abstention, the Planning Board Alternates will participate in the vote in order of seniority.

A meeting of the City of Kingston Planning Board was held on January 11, 2015 in the Common Council Chambers at Kingston City Hall, 420 Broadway, Kingston, New York. The meeting was called to order at 6:00 PM by Vice-Chairman John Dwyer Jr.

BOARD/ALTERNATE MEMBERS PRESENT: John Dwyer Jr, Vice Chairman, Mary Jo Wiltshire, Charles Polacco, Robert Jacobsen, Jonathan Korn, Jamie Mills and William Tubby.

BOARD/ALTERNATE MEMBERS ABSENT: Wayne D. Platte, Jr., Chairman.

OTHERS PRESENT: Suzanne Cahill, Planning Director and Kyla Haber, Assistant Planner, Ald. Lynn Eckert, Common Council Liaison.

GENERAL NOTES:

1. Pledge of Allegiance
2. Introduction of all Board Members and Staff Present
3. Identify exits, bathrooms, no elevator in case of emergency
4. Silence cell phones, conversations should be taken out of room
5. Respect speakers

REGULAR BUSINESS:

NOTE: Prior to beginning the meeting Vice-Chairman Dwyer advised the audience in attendance that there would be no discussion item on the agenda with regard to 90 Prince Street. However if anyone wanted to make a statement they could speak at open public speaking

Item #1: Open Public Speaking (6:00P.M. – 6:15 P.M.)

No one spoke during open public speaking. Vice-Chairman John Dwyer closed the public speaking session.

Item #2: Adoption of the December 14, 2015 Planning Board minutes.

Discussion: J. Dwyer asked the Board if they had received and reviewed the minutes from the December 14, 2015 Planning Board Meeting. The Board agreed that they had reviewed and had no corrections.

Decision: The Board voted unanimously to adopt the December 14, 2015 Planning Board Minutes. (JD, MW, CP, RJ, JK – yes)

PUBLIC HEARINGS:

Item #3: **#85 & 87 Abeel Street & 70 W Union Street** SPECIAL PERMIT to establish a Bed & Breakfast and off street parking. SBL 56.43-2-20 & 21 & 56.43-2-10. SEQR Determination. Zone RT, HAC, Rondout Historic District. Ward 8. Tamara Ehlin/applicant; Merle Borenstein/owner.

NOTE: Robert Jacobsen abstained from discussion and vote due to interaction with the applicant during her real estate searches. Jonathan Korn abstained from discussion and vote because he works at the same firm as the buyer's realtor.

Discussion: No one spoke at the public hearing. Tamara Ehlin, applicant, Merle Borenstein, current owner, and Charles Mallea, architect, were present at the meeting. T. Ehlin explained that she is in contract to purchase 3 properties from M. Borenstein.

C. Mallea distributed updated site plans, floor plans, and photos of the project. The plans, dated January 11, 2016 include:

- SITE – Site Plan
- P-1 – Existing First Floor Plan
- P-2 – Existing Second Floor Plan
- P-3 – Proposed First Floor Plan
- P-4 – Proposed Second Floor Plan
- P-5 – Photographs
- P-6 – Photographs
- P-7 – Photographs

The plan includes 3 parcels: one contains a two family home that will be converted into the B&B, the other contains a barn structure, and the last is a vacant lot. The B&B will be established in an existing 2 family home. The structure will be renovated to allow for the applicant to reside in what is currently the smaller apartment unit. The kitchen in that unit will be converted into a bedroom. The applicant stated that she could not see keeping a second kitchen in the structure and that the kitchen she would like to renovate is the larger of the two. The upstairs will be renovated to create separate bathrooms for each of the 4 bedrooms to be rented. A vestibule area will be created at the top of the staircase to allow for separate entrances to the bedrooms.

The applicants explained their plans for parking. The barn on West Union will be able to accommodate 2 off street parking spaces. The rear portion of the main lot will accommodate 2 off street parking spaces along West Union as well. T. Ehlin also stated that she would like to utilize the vacant lot on Abeel Street for parking. Staff explained that there are a couple of issues with utilization of the lot that would need to be addressed. First, the use of Forsyth Alley would need to be discussed with DPW and the Engineering Office. There is a storm sewer that runs under the alley. The applicants also pointed out that there are large wooden bollards at each end of the alley that would need to be removed at least at one end for access. Staff explained that during discussions with the Engineering Office, it was recommended that access be used off of West Union rather than Abeel Street because of the recent, extensive renovations to the street and sidewalk. There is currently no curb cut on Abeel Street for this lot and to create one would require significant work. On West Union, the curb is basically nonexistent. Staff also explained that the use of the vacant lot for parking would require a use variance from the ZBA. The RT zone does not allow for parking lots as a primary use on the a lot. Without the vacant lot, the applicant would only be able to accommodate 4 of the 6 require spaces.

The Board acknowledged that project narrative states that work would begin on the interior in February 2016 and conclude with exterior painting and landscaping in May 2016. The B&B will be open year round with closure 1-2 weeks in the winter. The applicant is proposing to hire 1 part time assistant innkeeper and 1 part time cleaning person.

The Board confirmed that the applicant received a copy of Zoning Code section 405-45 regulating Bed & Breakfasts:

- (1) The bed-and-breakfast shall be the primary residence of the owner-operator, with no other use allowed.
- (2) The maximum length of stay for any guest shall be seven consecutive days. In no way may the establishment be used as a boarding/rooming house, as provided in § 405-12(B)(2).
- (3) No cooking facilities shall be permitted in any of the rented rooms.
- (4) Two off-street parking spaces shall be established, on premises, for the residence with an additional off-street parking space for each room to be let.
- (5) The maximum number of rooms which may be rented is four, unless it can be shown that the structure and/or parcel is of sufficient size to contain more rooms while meeting the purpose of this article.
- (6) One, non-illuminated sign, free standing or attached, shall be permitted, not to exceed two square feet and shall not include the words "hotel" or "motel."
- (7) Manual outward modification of the structure may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.
- (8) The architectural integrity and arrangement of existing interior spaces must be maintained and the number of guests rooms shall not be increased except as may be required to meet health, safety and sanitation requirements.

B. Permitted zones; use variance.

- (1) Bed-and-breakfasts may be permitted by special permit in the following zones and target areas: RT; RLC; RF-R; RF-H; the Broadway and Albany Avenue areas in their entirety; the Stockade Landmark District; the Rondout Landmark District; the Fair Street Landmark District;

and the Chestnut Street Landmark District. Said special permit shall be subject to annual renewal.

[Amended 7-5-2011 by L.L. No. 8-2011, approved 7-27-2011]

(2) In all zones, except those listed in Subsection B(1) of this section, a bed-and-breakfast may be permitted by a use variance when not allowed by right and when all other conditions can be satisfied.

(a) When a use variance is required, a site plan review shall be required.

(b) Said site plan review shall require a mandatory public hearing, and an annual renewal of licensing by the Planning Board. Annual renewals of licensing shall also require a public hearing.[1]

S. Cahill asked if there would be any signage or lighting added to the site. T. Ehlin said that she would like to update the lighting on the front porch and add minimal lighting to the rear of the property for safety. C. Mallea stated that the lighting in the rear of the property could be mounted to the barn.

T. Ehlin stated that she would also like to add a small sign. She said that she is aware that permitted signage is limited to 2'x2'. She would like to add a small sign that would hang from the porch facing the street. J. Dwyer mentioned that if it were to hang over the sidewalk in any way, there would be an insurance requirement, naming the City as additionally insured.

The Board asked what exterior modifications would be made to the structure. T. Ehlin stated that the house needs to be repainted and that there would be some repairs to the porch. The Board advised the applicants that exterior changes would be required to go before the Historic Landmarks Preservation Commission and the Heritage Area Commission. T. Ehlin said that she was aware that they will need to go but that the plans are not ready for that review yet.

The Board discussed a term for the permit. The zoning code requires annual renewals of the special permit by the Planning Board. The Board agreed to the full 1 year term.

The following Board Policies were considered #5 – gravel parking (if proposed) maintained as originally developed, #6 – signature on final plans, #7 – approvals valid for 1 year with conditions met within that year, #10 – banners and flags prohibited with the exception of grand openings, #14 – Dig Safely contacted for any ground disturbance, #22 – carbon monoxide detectors required, #23 – protection and maintenance of bluestone sidewalks.

The Board asked that the applicant consider adding a Knox Box to the structure to allow for access by the fire department in the case of an emergency. T. Ehlin said that she would add one but that she would like for it to be located on the side or rear of the building.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the special permit for a 4 room bed and breakfast with the following conditions:

- Compliance with section 405-45 of the zoning code,
- signage and lighting details submitted to staff for review,
- the addition of a Knox Box for emergency access by the Fire Department,

- Historic Landmarks Preservation Commission and Heritage Area Commission review for exterior changes,
- Variance for parking as a primary use on the vacant lot,
- Planning Board Policies #5 – gravel parking (if proposed) maintained as originally developed, #6 – signature on final plans, #7 – approvals valid for 1 year with conditions met within that year, #10 – banners and flags prohibited with the exception of grand openings, #14 – Dig Safely contacted for any ground disturbance, #22 – carbon monoxide detectors required, #23 – protection and maintenance of bluestone sidewalks

Vehicular access and any proposed curb cut along Forsyth Alley, West Union, or Abeel Street will require review and signoff from the City Engineer and the Department of Public Works. (JD, WT, CP, MW, JM – yes)

Item #4: #117 Abbey Street & 20-36 Rear S. Farrelly Street LOT LINE REVISION of the Lands of Steven & Linda Lowe and Martin & Sharon Lennox. SBL 48.82-6-35 & 48.82-6-45.110. SEQR Determination. Zone R-1. Ward 7. Martin & Sharon Lennox and Steven & Linda Lowe; applicants/owners.

Discussion: Christopher Zell, PLLS, was present at the meeting to represent the applicant. C. Zell explained that the proposal is for a lot line revision between 2 lots under different ownership. A 0.028 acre portion of a vacant lot owned by Steven and Linda Lowe will be conveyed to Martin & Sharon Lennox and will be added to the .653 acre parcel containing their home. This revision will rectify an issue of encroachment from the Lennox driveway and offer a connection from the driveway to Abbey Street. Currently, Lennox drives over Lowes property to get to Abbey Street.

C. Zell presented a map of lot line revision, dated November 13, 2015. The Board agreed that there were no issues with the proposal.

J. Dwyer reminded the applicant that the lot line revision does not become final until it is filed with the Ulster County Clerk. The Ulster County Real Property Tax Agency will not make changes to the City's assessment maps until the map and new deeds are filed.

Written descriptions need to be submitted for review and approval. 5 paper and 1 mylar copy will need to be submitted for signature by the Board chairman. The maps submitted for signature should all be signed by the property owner(s).

Board Policy #6 will need to be signed by the owner.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the lot line revision. (JD, RJ, MW, CP. JK – yes)